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09/801,958	03/08/2001	Louise Mary Wasilewski	A-6979	8732

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SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER
CHOKSHI, PINKAL R

ART UNIT	PAPER NUMBER
2425	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

	Application No.	Applicant(s)
Office Action Summary	09/801,958	WASILEWSKI, LOUISE MARY
	Examiner	Art Unit	
	PINKAL CHOKSHI	2425	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>06 April 2009</u>.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>21 and 23-38</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>21 and 23-38</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail. Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 04/06/2009, with respect claim(s) 21 and 23-38 have

been considered but are moot in view of the new ground(s) of rejection. The well-

known in the art statement applied to claim 37 is taken to be admitted prior art due to

applicant's failure to traverse Examiner's assertion of official notice. See the new

rejection below.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   **Claims 29 and 34** are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

- Regarding claims 29 and 34, it is unclear when claiming "…desired subset
  comprises the alternate audio stream and excludes the primary audio
  stream." It is ambiguous what the Applicant means by excluding primary
  audio stream. Applicant is asked to clarify and provide support in the
  specification. For the purpose of examination, it is the Examiner's position
  that any distance reads on above limitation and such is in accordance with
  broadest reasonable interpretation, and from the perspective of one having
  ordinary skill in the art.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 21, 23, 24, 27-31, 33-35 and 38** are rejected under 35 U.S.C. 103(a) as

being unpatentable over US Patent 7,293,280 to Gupta (hereafter referenced as Gupta)

in view of US Patent 5,990,927 to Hendricks (hereafter referenced as Hendricks).

        Regarding **claim 21,** "a selectable recording device for providing recording

options to record a particular program event" reads on the set-top box that

receives broadcast programming and segmentation data, which indicates

portions of programs that are to be included in skimmed versions of the received

programming (abstract) disclosed by Gupta and represented in Fig. 1.

        As to "the device comprising: a storage device configured to store

program information received from an input source" Gupta discloses (col.6, lines

1-7) that the storage device in STB stores received content as represented in

Fig. 1 (element 40).

        As to "wherein the program information comprises a plurality of program

events, wherein each program event is associated with a set of available content

streams" Gupta discloses (col.5, lines 24-25) that the segmentation data,

selected by the user, matches with the plurality of programs provided from the
content source.

As to "receive user input indicating the desired subset of available content
streams for recording" Gupta discloses (col.6, lines 2-7, 42-46) that the user
transmits request for segmentation data to content source which is stored on the
storage device of STB.

Gupta meets all the limitations of the clam except "wherein the available
content streams include at least two content streams selected from the group
comprising a primary audio stream, an alternate audio stream, a video stream, a
data stream, and a closed caption stream." However, Hendricks discloses
(col.22, lines 33-35, 48-49, 57-59) that the each video signal, for a program, is
received with multiple audio signals.

As to "a processor configured to: provide a user option to select a desired
subset of the set of available content streams associated with the particular
program event for recording" Hendricks discloses (col.22, lines 36-39, 48-63) that
the user of the set-top box chooses the audio language of the selected program.

As to "wherein the subset excludes at least one available content stream
from the associated set of available content streams" Hendricks discloses
(col.22, lines 36-39, 59-61) that the user selects one of the audio languages for a
program where based on user's desire, audio output is mono output and not
stereo output. Therefore, it would have been obvious to one of the ordinary skills
in the art at the time of the invention to modify Gupta's system by providing

options to select available language audio stream for a program as taught by

Hendricks in order to provide users with advanced features and capabilities of a

program (col.2, lines 53-54).

        Regarding **claim 23,** "the selectable recording device wherein the desired

subset of available content streams includes no more than two types of the

following types of content streams: an audio stream, a video stream, and a data

stream" Gupta discloses (col.6, lines 13-23; col.7, lines 27-29) that the

segmentation data indicates portions of the received audio/video content as well

as closed captioning data.

        Regarding **claim 24,** Gupta meets all the limitations of the claim except

"the selectable recording device further comprising a decryption device

configured to decrypt scrambled programming." However, Hendricks discloses

(col.10, lines 26-28) that the STB includes decryptor that decrypts received

broadcast signals as represented in Fig. 4 (element 600). Therefore, it would

have been obvious to one of the ordinary skills in the art at the time of the

invention to modify Gupta's system by using decryptor to decrypt scrambled

programming as taught by Hendricks in order to provide information relevant to

the currently selected program.

Regarding **claim 27,** "the selectable recording device further comprising at least one decoder configured to decode at least one available content stream" Gupta discloses (col.3, lines 61-63) that the digital decoders are provided to decode MPEG stream data.

Regarding **claim 28,** "a method for providing recording options to a user" reads on the set-top box that receives broadcast programming and segmentation data, which indicates portions of programs that are to be included in skimmed versions of the received programming (abstract) disclosed by Gupta and represented in Fig. 1.

As to "method comprising: receiving program information" Gupta discloses (col.6, lines 1-7) that the storage device in STB stores received content as represented in Fig. 1 (element 40).

As to "wherein the program information comprises a plurality of program events, wherein each program event is associated with a set of available content streams" Gupta discloses (col.5, lines 24-25) that the segmentation data, selected by the user, matches with the plurality of programs provided from the content source.

As to "receiving user input indicating the desired subset of available content streams for recording" Gupta discloses (col.6, lines 2-7, 42-46) that the user transmits request for segmentation data to content source which is stored on the storage device of STB.

Gupta meets all the limitations of the clam except "wherein the available content streams include at least two content streams selected from the group comprising a primary audio stream, an alternate audio stream, a video stream, a data stream, and a closed caption stream." However, Hendricks discloses (col.22, lines 33-35, 48-49, 57-59) that the each video signal, for a program, is received with multiple audio signals.

As to "providing a user option to select a desired subset of the set of available content streams associated with a particular program event for recording" Hendricks discloses (col.22, lines 36-39, 48-63) that the user of the set-top box chooses the audio language of the selected program.

As to "wherein the subset excludes at least one available content stream from the associated set of available content streams" Hendricks discloses (col.22, lines 36-39, 59-61) that the user selects one of the audio languages for a program where based on user's desire, audio output is mono output and not stereo output. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Gupta's system by providing options to select available language audio stream for a program as taught by Hendricks in order to provide users with advanced features and capabilities of a program (col.2, lines 53-54).

Regarding **claim 29,** "the method wherein the desired subset comprises the alternate audio stream and excludes the primary audio stream" Hendricks

discloses (col.22, lines 32-63) that the user selects one of audio channel to

output for a video signal. In addition, same motivation is used as to reject claim

28.

        Regarding **claim 30,** "the method wherein the desired subset of available

content streams includes no more than two types of the following types of

content streams: an audio stream, a video stream, and a data stream" Hendricks

discloses (col.22, lines 32-63) that the user selects one of audio channel to

output for a video signal. In addition, same motivation is used as to reject claim

28.

        Regarding **claim 31,** Gupta meets all the limitations of the claim except

"the method further comprising decrypting at least a portion of the received

program information." However, Hendricks discloses (col.10, lines 26-28) that

the STB includes decryptor that decrypts received broadcast signals as

represented in Fig. 4 (element 600). Therefore, it would have been obvious to

one of the ordinary skills in the art at the time of the invention to modify Gupta's

system by using decryptor to decrypt scrambled programming as taught by

Hendricks in order to provide information relevant to the currently selected

program.

Regarding **claim 33,** "a system for providing recording options to a user" reads on the set-top box that receives broadcast programming and segmentation data, which indicates portions of programs that are to be included in skimmed versions of the received programming (abstract) disclosed by Gupta and represented in Fig. 1.

As to "system comprising: a receiver configured to receive program information from an input source" Gupta discloses (col.2, lines 62-64) that the set-top box receives programming content from the service provider as represented in Fig. 1 (elements 10, 16).

As to 'the program information comprising a plurality of programs wherein each program comprises one or more program events, wherein each program event is associated with a set of available content streams" Gupta discloses (col.5, lines 24-25) that the segmentation data, selected by the user, matches with the plurality of programs provided from the content source.

As to "receive a user command indicating the desired subset of available content streams for recording" Gupta discloses (col.6, lines 2-7, 42-46) that the user transmits request for segmentation data to content source which is stored on the storage device of STB.

Gupta meets all the limitations of the clam except "wherein the available content streams include at least two content streams selected from the group comprising a primary audio stream, an alternate audio stream, a video stream, a data stream, and a closed caption stream." However, Hendricks discloses

(col.22, lines 33-35, 48-49, 57-59) that the each video signal, for a program, is received with multiple audio signals.

As to "a control system configured to: provide a user option to select a desired subset of the set of available content streams associated with a particular program event for recording" Hendricks discloses (col.22, lines 36-39, 48-63) that the user of the set-top box chooses the audio language of the selected program.

As to "wherein the subset excludes at least one available content stream from the associated set of available content streams" Hendricks discloses (col.22, lines 36-39, 59-61) that the user selects one of the audio languages for a program where based on user's desire, audio output is mono output and not stereo output. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Gupta's system by providing options to select available language audio stream for a program as taught by Hendricks in order to provide users with advanced features and capabilities of a program (col.2, lines 53-54).

Regarding **claim 34,** "the system wherein the program information comprises at least one of the following content streams: an audio stream, a video stream, and a data stream" Hendricks discloses (col.22, lines 32-63) that the user selects one of audio channel to output for a video signal. In addition, same motivation is used as to reject claim 33.

Regarding **claim 35,** "the system wherein the desired subset of available
content streams includes no more than two types of the following types of
content streams: an audio stream, a video stream, and a data stream" Hendricks
discloses (col.22, lines 32-63) that the user selects one of audio channel to
output for a video signal. In addition, same motivation is used as to reject claim
33.

Regarding **claim 38,** "the system wherein the program information
comprises an MPEG transport stream" Gupta discloses (col.3, lines 59-61; col.5,
lines 26-29) that the programming contents are received in MPEG format.

As to "the system further comprising: a reverse path coupled to the control
system, the reverse path configured to communicate user input to the control
system" Gupta discloses (col.2, line 62-col.3, line 1; col.3, lines 48-52) that the
set-top box is connected to cable provider using bi-directional communication
where it communicates and interacts with provider as represented in Fig. 1.

As to "a distribution system configured to communicate the desired subset
of available content streams to the user device" Gupta discloses (col.5, lines 16-
33) that the information and content providers provides user's requested
segmentation data to the set-top box.

6.   **Claims 25, 26, and 32** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Gupta in view of Hendricks as applied to claim 21 above, and further

in view of US PG Pub 2002/0090087 to Tamura et al (hereafter referenced as Tamura).

Regarding **claim 25,** "the selectable recording device wherein the program

information comprises an MPEG transport stream" Gupta discloses (col.3, lines

59-61; col.5, lines 26-29) that the programming contents are received in MPEG

format.

Combination of Gupta and Hendricks meets all the limitations of the claim

except "wherein the processor determines an available content stream by

parsing at least one MPEG table within the transport." However, Tamura

discloses (¶0024) that the Program Association Table and Program Map Table

are included in transport stream. Tamura further discloses that based on the

user's selection of particular program content, system in PVR filters MPEG

stream that includes information such as audio stream and video stream relevant

to the user's selected program as well as Program Association Table and

Program Map Table of transport stream. Therefore, it would have been obvious

to one of the ordinary skills in the art at the time of the invention to modify Gupta

and Hendricks's systems by detecting tables within the transport stream as

taught by Tamura in order to provide programming information relevant to the

currently selected program (¶0024).

Regarding **claim 26,** "the selectable recording device wherein the

processor is further configured to identify at least one available packet identifier

that represents at least one available content stream within the transport stream"

Tamura discloses (¶0024) that the PID identifies content stream within the

transport stream. Therefore, it would have been obvious to one of the ordinary

skills in the art at the time of the invention to modify Gupta and Hendricks's

systems by detecting tables within the transport stream as taught by Tamura in

order to provide programming information relevant to the currently selected

program (¶0024).

Regarding **claim 32,** "the method wherein the program information

includes an MPEG transport stream" Gupta discloses (col.3, lines 59-61; col.5,

lines 26-29) that the programming contents are received in MPEG format.

Combination of Gupta and Hendricks meets all the limitations of the claim

except "the method further comprising: identifying available packet identifiers that

represent available streams within the transport stream." However, Tamura

discloses (¶0024) that the PID identifies content stream within the transport

stream. As to "determining an available content stream by parsing at least one

MPEG table within the transport stream" Tamura discloses (¶0024) that the

Program Association Table and Program Map Table are included in transport

stream. Tamura further discloses that based on the user's selection of particular

program content, system in PVR filters MPEG stream that includes information

such as audio stream and video stream relevant to the user's selected program as well as Program Association Table and Program Map Table of transport stream. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Gupta and Hendricks's systems by detecting tables within the transport stream as taught by Tamura in order to provide programming information relevant to the currently selected program (¶0024).

7.   **Claims 36 and 37** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta in view of Hendricks as applied to claim 33 above, and further in view of US Patent 6,578,203 to Anderson, Jr. et al (hereafter referenced as Anderson).

Regarding **claim 36,** combination of Gupta and Hendricks meets all the limitations of the claim except "the system further comprising a modulator configured to receive the subset of desired available content streams and associate the at least one content stream with a predefined frequency." However, Anderson discloses (col.4, lines 31-39) that the signal modulator receives the respective audio and video signal and modulates the signal on a unique frequency range and transmits it to receivers as represented in Figs. 1 and 2. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Gupta and Hendricks's systems with a modulator configured to associate a content stream with a predetermined frequency and providing the receiver with information related to the modulator in

order to allow proper communications between the transmitting site and receiving

site and also users can receive the combined signal of audio/video/data (col.1,

lines 38-39).

Regarding **claim 37,** "the system wherein the control system is further

configured to communicate information to the modulator from the user device"

Gupta discloses (col.2, line 62-col.3, line 1; col.3, lines 48-52) that the set-top

box is connected to cable provider using bi-directional communication where it

communicates and interacts with the service provider as represented in Fig. 1.

Anderson shows a system with modulators as represented in Fig. 2. However,

the Examiner takes official notice that it was well known in the art at the time of

the invention to communicate information with modulator at transmitting site.

Therefore, it would have been obvious to one of ordinary skills in the art at the

time of the invention to communicate information with modulator to Gupta's

system would have yielded predictable result of allowing a proper communication

between the transmitting site and receiving site.

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to PINKAL CHOKSHI whose telephone number is (571)

270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt.

Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pinkal Chokshi/
Examiner, Art Unit 2425

/Brian T. Pendleton/
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